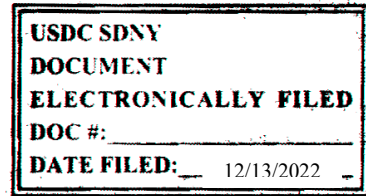


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
PEDRO GIDDEL CHAVALOC CHOROR and
RENATO LOPEZ SAYAMAN,

Plaintiffs,

-against-

19-CV-9297 (AT) (VF)

ORDER OF DISMISSAL

ABITINO'S PIZZA 49TH STREET CORP., d/b/a
ABITINO'S PIZZERIA, ABITINO's PIZZA &
RESTAURANT, INC. No. II, d/b/a ABITINO'S
PIZZERIA, and MARIO ABITINO, SALVADOR
ABITINO, DOMINIQUE ABITINO, and MARIO
ABITINO, as individuals,

Defendants.

-----X

VALERIE FIGUEREDO, United States Magistrate Judge:

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement to resolve the action, have placed their proposed second amended settlement agreement before this Court for approval. See Cheeks v. Freeport Pancake House, Inc., 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements).

On September 20, 2021, the parties submitted a joint letter motion for approval of their proposed settlement agreement (the "Agreement"). See ECF Nos. 47, 48, 48-1. Pursuant to Judge Torres' May 24, 2022 Order (ECF No. 49), on June 23, 2022, the parties submitted a joint letter motion seeking approval of their proposed amended settlement agreement (the "Amended Agreement") as fair and reasonable. See ECF No. 55. On November 14, 2022, the Court issued an Order directing that certain revisions be incorporated into the Amended Agreement (ECF No. 59), and on December 9, 2022, the parties submitted a Second Amended Agreement (ECF No. 61-1).

This Court has reviewed the Second Amended Agreement and corresponding letter in order to determine whether the proposed agreement represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made in the parties' letter and the terms of the proposed settlement agreement, it is hereby **ORDERED** that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiffs' claims in this action and to compensate Plaintiff's counsel for their legal fees, and the agreement is therefore approved.
2. This Court will retain jurisdiction over this matter for the purpose of enforcing the settlement agreement, if necessary.
3. As a result of the Court's approval of the parties' proposed settlement, this action is hereby discontinued with prejudice and without costs, provided, however, that, within 30 days of the date of this Order, if any aspect of the written documentation of the settlement is not completed, then Plaintiffs may apply by letter for the restoration of the action to the active calendar of the Court.
4. The Clerk of Court is directed to close this case.

SO ORDERED.

DATED: New York, New York
December 13, 2022



VALERIE FIGUEREDO
United States Magistrate Judge

Copies to:
All counsel (via ECF)